

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. \_\_\_\_\_, on the date shown below in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 21, 2007 Signature: \_\_\_\_\_

Docket No.: 38-58(13696)B  
MGB Ref: 28079/41333  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kenneth A. Barton et al.

Application No.: 07/827,906

Confirmation No.: 3375

Filed: January 30, 1992

Art Unit: 1638

For: IMPROVED EXPRESSION OF GENES IN  
PLANTS

Examiner: A. R. Kubelik

**POWER OF ATTORNEY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned having, on or about January 30, 1992, made application for Letters Patent for an improvement in IMPROVED EXPRESSION OF GENES IN PLANTS, Application No. 07/827,906, hereby appoints the following attorneys and/or agents to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected herewith:

All practitioners at Customer Number 74002.

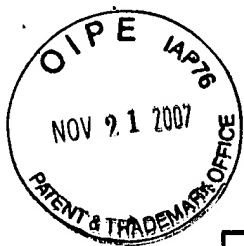
Address all communications to:

David A. Gass  
MARSHALL, GERSTEIN & BORUN LLP  
233 S. Wacker Drive, Suite 6300  
Sears Tower  
Chicago, Illinois 60606-6357  
(312) 474-6300

For: MONSANTO TECHNOLOGY L.L.C.

  
Lawrence M. Lavin, Jr., Esq.

Dated: 11/20/07



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Kenneth A. Barton and Michael Miller

Application No./Patent No.: 07/827,906 Filed/Issue Date: January 30, 1992

Entitled: IMPROVED EXPRESSION OF GENES IN PLANTS

MONSANTO TECHNOLOGY LLC, a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Kenneth A. Barton and Michael Miller To: Agracetus, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel 5162, Frame 0077, or for which a copy thereof is attached.
2. From: Agracetus, Inc. To: Monsanto Company  
The document was recorded in the United States Patent and Trademark Office at Reel 8179, Frame 0629, or for which a copy thereof is attached.
3. From: Pharmacia Corporation, formerly known as Monsanto Company To: Monsanto Technology LLC  
The document was recorded in the United States Patent and Trademark Office at Reel 012350, Frame 0224, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Timothy K. Ball  
Signature

Nov 14, 2007  
Date

Timothy K. Ball, Esq.  
Printed or Typed Name

314 694 5811  
Telephone Number

Attorney for Assignee  
Title